

SAFE DRINKING WATER ACT9-35. Issuance of Administrative Orders Under Section 1423(c)

1. AUTHORITY. Pursuant to Section 1423(c) of the Safe Drinking Water Act (SDWA), the authority to:

- a. Conduct hearings and perform related duties following issuance of proposed administrative orders;
- b. Issue subpoenas;
- c. Negotiate consent agreements between the Agency and respondents;
- d. Sign consent agreements between the Agency and respondents;
- e. Issue orders after hearings have been requested; and
- f. Withdraw or amend orders after hearings have been requested.

2. TO WHOM DELEGATED.

- a. The Regional Judicial and Presiding Officer is delegated authorities 1.a. and 1.b.
- b. The Director, Water Protection Division (WPD) and the Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ) are delegated authorities 1.c. and 1.d.
- c. The Associate Division Director, ~~Office of Compliance and Enforcement~~ Office of Drinking Water and Source Water Protection, WPD; Chief, ~~Safe Drinking Water Act Branch~~ Ground Water and Enforcement Branch, WPD; and the Chief, Enforcement and Compliance Assistance Branch, OECEJ, are delegated authority 1.c.

3. LIMITATIONS.

- a. Only the Regional Administrator may exercise authorities 1.e. and 1.f.
- b. The delegates must obtain the concurrence of the Regional Counsel or his/her designee prior to exercising the authorities in 1.d.
- c. The authority to represent the Agency at hearings is reserved for the General Counsel and the Assistant Administrator for the Office of Enforcement and Compliance Assurance or their designees.

June 21, 2004

SAFE DRINKING WATER ACT

9-35. Issuance of Administrative Orders
Under Section 1423(c) (Cont.)

3. LIMITATIONS. (Cont.)

- d. The Director OECEJ may exercise these authorities only in multi-media cases.
- e. The Director OECEJ must consult with the WPD delegates before exercising these authorities.

4. REDELEGATION AUTHORITY. These authorities may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

- a. Guidance on Headquarters Involvement in the Issuances by Regions of the First Proposed and Final Administrative Orders.
- b. Section 1423(c)(3)(A) and (B) of the SDWA.
- c. Section 1423(c)(7) and (8) of the SDWA.
- d. 40 CFR Parts 144, 146 and 147.
- e. Guidance on UIC Administrative Order Procedures.

6. SUPERSESSION. Delegations Manual, SDWA, Regional Delegation 9-35. Issuance of Administrative Orders Under Section 1423(c), 1200 TN RIII-95 (11/21/90).

Date June 21, 2004

/s/ Donald S. Welsh
Donald S. Welsh
Regional Administrator